

REMARKS

In the Office Action of March 19, 2004, claims 1-3, 7, 11, 17-19, 23, 27 and 33 were rejected on the ground of obviousness-type double patenting over U.S. Patent 6,201,831. Claims 1-3, 7, 11, 15, 17-19, 23, 27 and 31-33 were rejected on the ground of obviousness-type double patenting over U.S. Patent 6,707,848. Two terminal disclaimers are submitted herewith to overcome the double patenting rejections.

On page 6 of the Office Action, claims 1, 2, 7, 11, 17, 18, 23, 27 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (U.S. Patent 5,809,071) in view of Lee (U.S. Patent 6,055,119). Claim 1 is directed to a feedforward equalizer that includes “a non-adaptive filter receiving the signal samples and producing a filtered signal” and indicates that “the feedforward equalizer does not affect the sampling phase setting of the timing recovery module.” The Examiner asserts that Kobayashi teaches such a feedforward equalizer, citing the equalizer 3 in Figure 2 of Kobayashi. Applicant submits that the equalizer 3 of Kobayashi is not a feedforward equalizer. A feedforward equalizer is a term of art that is understood by those of skill in the art. Not all equalizers are feedforward equalizers. Therefore, Applicant submits that claim 1 is allowable over the cited art.

The Examiner further asserts that element 3a of Figure 2 of Kobayashi constitutes a non-adaptive filter per claim 1. Applicant submits that element 3a of Kobayashi is nowhere referred to as a filter, let alone a non-adaptive filter. Applicant submits that element 3a of Kobayashi is not a non-adaptive filter. The Examiner argues that the “filter” 3a of Kobayashi is non-adaptive because it is not explicitly described to be adaptively-controlled. However, if, for the sake of the Examiner’s argument, the equalizer 3 of Kobayashi were a feedforward equalizer, and element 3a were a filter, it could be presumed that the filter was non-adaptive unless otherwise specified, because feedforward equalizers traditionally employ adaptive filters, as is explained in the last two paragraphs of page 23 of the specification. Applicant submits that this further distinguishes claim 1 over the cited art. Therefore, Applicant submits that claim 1, and claims 2, 3, 7, 11 and 15 depending therefrom, are allowable over Kobayashi and Lee.

Independent claims 17, 32 and 33 contain limitations similar to those that distinguish claim

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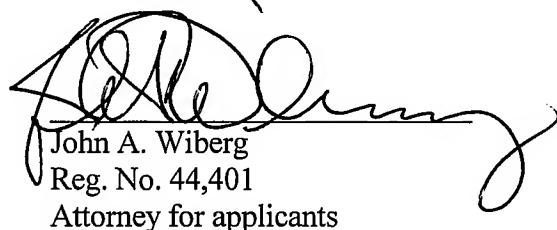
1 over the cited art. Applicant submits that claims 17, 32 and 33, and claims 18, 19, 23 and 27 depending therefrom, are allowable for the reasons set forth above with respect to claim 1.

In view of the foregoing, Applicant requests allowance of claims 1-3, 7, 11, 15, 17-19, 23, 27 and 32.

Please charge any additional fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

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Respectfully submitted,



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